

SPECIAL CONDITIONS
GENERAL PERMIT WMGR090

1. The approval herein granted is limited to the fixed or portable processing (i.e., grinding and screening) and beneficial use of reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards, as follows:
 - a. As an aggregate, a sub-grade or a sub-base material for roadway construction;
 - b. As a construction material for compacted roadway shoulder applications covered with a sealer (i.e., a thin bituminous coating intended to limit the reclaimed asphalt pavement materials from washing and leaching);
 - c. Being blended with other virgin aggregate or crushed waste concrete as a roadway sub-base for roadway construction use;
 - d. Being blended with steel slag as a roadway sub-base for roadway construction use. The steel slag that is used as roadway aggregate must meet the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).

2. The reclaimed asphalt pavement materials may be beneficially used if the following quality criteria requirements are met:
 - a. Where the reclaimed asphalt pavement materials will be beneficially used as an aggregate, a sub-grade, a sub-base or blended with other aggregate as a roadway construction material, the reclaimed asphalt pavement materials must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT).
 - b. Where the reclaimed asphalt pavement materials will be beneficially used as a construction material for shoulder applications, the reclaimed asphalt pavement materials must be compacted, and covered with a sealer which complies with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications);
 - c. Where the reclaimed asphalt pavement materials will be beneficially used under a project contract, the contract must specifically address the engineering qualities and characteristics that must be met for completion of the job or project. The contract must specifically indicate that the reclaimed asphalt pavement materials satisfy the engineering requirements and the specifications for the job or project;
 - d. The reclaimed asphalt pavement materials must conform to the applicable engineering properties as the raw material it is being substituted for.

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3. Reclaimed asphalt pavement materials that are not beneficially used in accordance with this general permit and as described in the approved application shall be managed properly at a permitted disposal facility unless authorized by the Department, in writing, to do otherwise.
4. The reclaimed asphalt pavement materials or construction materials manufactured using reclaimed asphalt pavement materials as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or non-coal mining or other fills or to level an area or bring an area to grade.
5. All reclaimed asphalt pavement materials under the authorization granted in this general permit shall be managed in accordance with the permittee's application. Except to the extent the permit states otherwise, the permittee shall utilize the reclaimed asphalt pavement materials for beneficial use purposes as described in the permit application.
6. Except for the authorized activities in Condition 1 of this general permit, the reclaimed asphalt pavement materials shall not be mixed with other types of residual waste or municipal waste, including hazardous waste or special handling waste.
7. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (Standards for Contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, 35 P.S. §4005 and shall comply with all the applicable provisions of the Fugitive Emissions §§123.1 and 123.2.
8. Nothing in this permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable law, ordinance, or regulations, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq.; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1989, 53 P.S. §4000.101 et seq.
9. As a condition of this general permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credential and without delay, to have access and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of wastes, waters, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Sections 608 and 610 (7) of the Solid Waste Management Act, 35 P.S. §§6018.608 and 6018.610 (7).) This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.

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10. Failure of measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules, and regulations and terms and conditions of this general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this general permit.
11. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the Department prior to performance as specified by the Solid Waste Management Act of 1980, as amended.
12. The reclaimed asphalt pavement materials authorized by this general permit shall not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department may modify, suspend, revoke or reissue the authorization granted in this general permit if it deems necessary to prevent harm or the threat of harm to the public health and the environment or if it cannot be adequately regulated under the conditions of this general permit.
13. Persons or municipalities that propose to operate under the terms and conditions of this general permit after the date of permit issuance must submit a "Registration" request to the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472 at least 45 days prior to operating under this general permit. Unless the Department objects, in writing, persons or municipalities that submitted the registration to the Department may beneficially use the reclaimed asphalt pavement materials 45 days after submission of the registration request required in this Condition.

At a minimum, the following information must be provided on forms available from the Department's Bureau of Land Recycling and Waste Management (See address above):

- a. Name and street address of the registrant;
- b. A description of reclaimed asphalt pavement materials that fully characterizes its composition and properties; the reclaimed asphalt pavement materials generation process; and a plan for screening and managing the reclaimed asphalt pavement materials;
- c. Location where the reclaimed asphalt pavement materials will be generated;
- d. Description of method of beneficial use of the reclaimed asphalt pavement materials;
- e. Number and title of the general permit;

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- f. Proof the reclaimed asphalt pavement materials and solid waste management activities are consistent with the general permit;
- g. Signed and notarized statement by the municipality or person who seeks authorization to operate under the terms and conditions of this general permit that states that the person accepts all conditions of this general permit;
- h. An application fee in the amount required under §287.642 (b) of the Residual Waste Regulations made payable to the “Commonwealth of Pennsylvania”;
- i. Proof that each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located, has been notified in writing.

In compliance with the requirements in this Condition for processing activities, a person or municipality registering with Department to operate under the terms and conditions of this general permit shall take the following actions:

- 1. Initially, submit to the Department a copy of the notification letter sent to each municipality, county, county planning agency and county health department, if one exists, in which processing activities are or will be located, and
 - 2. Submit proof that copies of the registration have been submitted to each municipality, county, county planning agency and county health department, if one exists, in which processing activities are or will be located.
- j. Information that identifies the registrant (i.e., individual corporation, partnership, government agency, association, etc.), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company;
 - k. A list of all previous permits or licenses issued by the Department or federal government under the environmental protection acts; the date issued, status and compliance history concerning environmental protection acts;
 - l. Proof that any independent contractors retained by the registrant to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 11;
 - m. Total amount of the reclaimed asphalt pavement materials to be generated and to be stored. The location of the storage areas must also be provided.

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- n. Additional information the Department believes is necessary to make a decision.
14. Any person that operates under the provisions of this permit shall immediately notify the Department's Bureau of Land Recycling and Waste Management (See address in Condition 13), in writing, of any changes in: the company name, address, owners, operators and responsible officials; the process which generates the reclaimed asphalt pavement materials; change in storage area locations and the status of any permit issued by the Department or federal government under the environmental protection acts.
15. The reclaimed asphalt pavement materials shall be managed in accordance with the Solid Waste Management Act, the act July 7, 1980, as amended, P.L. 380, 35 P.S. §§ 6018.101 et seq. and the regulations promulgated therein.
16. a. The permittee shall maintain records of rejected, unacceptable and unauthorized wastes that are disposed by the permittee. The records shall include the name and address of the disposal location, date of disposal, volume or weight of the waste that was disposed.
- b. The permittee shall maintain records of volume or weight of the reclaimed asphalt pavement materials that are generated.
- c. The permittee shall maintain records of volume or weight and location of the reclaimed asphalt pavement materials that are stored.

The records required in this Condition shall be retained by the permittee for a minimum of 5 years and made available to the Department upon request.

17. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if activities were covered by an individual permit. The Department may require an individual permit if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the people or the environment of this Commonwealth.
18. Equipment used for the collection, processing, storage and transportation of the reclaimed asphalt pavement materials shall be maintained in good operating condition. Weekly inspections during the active construction periods, and monthly inspections during the inactive construction times of collection, processing, and storage areas and their surrounding environs are to be conducted to determine compliance of the terms and conditions of this general permit, and for evidence of failure.
19. Upon cessation of operations or by the expiration date of this general permit or unless extended by the Department in writing, the permittee shall remove any remaining stored reclaimed asphalt pavement materials and any other residual wastes or other materials

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which contain or have been contaminated by the reclaimed asphalt pavement materials and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.

20. Runoff from the reclaimed asphalt pavement materials, processing and storage area(s) shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
21. This general permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from areas where solid waste management activities are conducted to the waters of the Commonwealth.
22. The processing, storage and transportation of reclaimed asphalt pavement materials shall be in a manner which does not create a nuisance or be harmful to the public health, safety or the environment and shall comply with the requirements of Title 25 Pa Code, Chapter 299 (relating to Storage, Collection and Transportation of Residual Waste).
23. When the reclaimed asphalt pavement materials are beneficially used as an ingredient or a component in the production of hot or cold mix asphalt-paving material, the asphalt-paving material must meet the applicable requirements of the American Society for Testing and Materials (ASTM) Standard, or other National, state, or industry standard for which it is being used.
24. Unless otherwise authorized by the Department, in writing, the reclaimed asphalt pavement materials shall not be stored for more than two (2) consecutive construction seasons and the following apply:
 - i. The reclaimed asphalt pavement materials are not accumulated before being beneficially used unless the operator shows that the reclaimed asphalt pavement materials have the potential to be beneficially used and has a feasible means of being beneficially used; and
 - ii. During the biennial construction season (commencing on April 1), the amount of reclaimed asphalt pavement materials that are beneficially used or transferred to a different site for beneficial use, equals at least 75% by weight or volume of the reclaimed asphalt pavement materials accumulated at the beginning of the period. In calculating the percentage of turnover, the 75% requirement is to be applied to each waste of the same type (i.e., milled asphalt pavement, etc.) that is beneficially used in the same way (that is, from which the same material is recovered or that is used in the same way).

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25. The permittee may distribute or supply reclaimed asphalt pavement materials to any person or municipality who desires to obtain the reclaimed asphalt pavement materials for beneficial use, hereinafter referred to as “end-user”, without registering as required in Condition 13 of this general permit if the following requirements are met:
- a. The permittee shall inform the end-users that propose to receive the reclaimed asphalt pavement materials for beneficial use, covered under this general permit, of all the conditions and limitations imposed on the beneficial use of reclaimed asphalt pavement materials by the Department. This notification shall be by providing a copy of Appendix A (Acceptable Uses and Use Restrictions) of this general permit. The permittee shall record the name and address of each person who is given or received the reclaimed asphalt pavement materials and shall record its intended use. It is incumbent upon the permittee to ensure that the end-user of reclaimed asphalt pavement materials approved under this general permit is aware of conditions of this permit.
 - b. The end-user shall provide the permittee with a signed statement that states the reclaimed asphalt pavement materials received will be beneficially used, within 2 weeks of the acceptance of the materials, in accordance with the Conditions as specified in Appendix A of this general permit.
26. Except where the reclaimed asphalt pavement materials will be beneficially used in a roadway construction project within 2 weeks of its generation, any person or municipality who is permitted to operate under the provisions of this general permit may process and/or store the reclaimed asphalt pavement materials for beneficial use at any location along a roadway construction project as part of an “in-progress” project, at a new location or to expand the existing operation by providing a notification to the Department (See address in Condition 13). The notification shall contain the information required in items a, b, c, d, e, f, i, j, k, l and m of Condition 13 of this general permit above. The notification shall be submitted to the Department as follows:
- a. For a new operation at a new location, the required information must be submitted at least 45 days prior to starting the new operation.
 - b. For an expansion of the existing operation, the required information must be submitted at least 30 days prior to starting the new expanded operation.
 - c. For the storage of reclaimed asphalt pavement materials along the right-of-way of a roadway construction project, as specified in Condition 24 of this general permit, the required information must be submitted at least 30 days prior to commencing the storage.

APPENDIX A

ACCEPTABLE USES AND RESTRICTIONS GENERAL PERMIT NO. WMGR090

The following “Acceptable Uses and Use Restrictions” apply to persons or municipalities that receive and/or use the reclaimed asphalt pavement (RAP) materials for beneficial use purposes, hereinafter referred to as “end-user”, without submitting a registration to the Department to operate under the term and conditions of this general permit.

A. ACCEPTABLE USES:

1. The reclaimed asphalt pavement materials received may be beneficially used if the following quality requirements are met:
 - a. Where the reclaimed asphalt pavement materials will be beneficially used as an aggregate, a sub-grade, a sub-base or blended with other aggregate as a roadway construction material, the reclaimed asphalt pavement materials must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT).
 - b. Where the reclaimed asphalt pavement materials will be beneficially used as a construction material for shoulder applications, the reclaimed asphalt pavement materials must be compacted, and covered with a sealer which complies with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications);
 - c. Where the reclaimed asphalt pavement materials will be beneficially used under a project contract, the contract must specifically address the engineering qualities and characteristics that must be met for completion of the job or project. The contract must specifically indicate that the reclaimed asphalt pavement materials satisfy the engineering requirements and the specifications for the job or project;
 - d. The reclaimed asphalt pavement materials must conform to the applicable engineering properties as the raw material it is being substituted for.
2. Unless otherwise authorized by the Department, in writing, the end-user shall not store reclaimed asphalt pavement materials at any location along a roadway construction project, as part of an “in-progress” project, for more than 2 weeks after its receipt.

B. USE RESTRICTIONS

1. The reclaimed asphalt pavement materials received shall not be placed in direct contact with surface water or groundwater.

APPENDIX A (Continued)

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2. The reclaimed asphalt pavement materials received shall not be placed in a wetland or within 300 feet of a private or public water source.
3. The reclaimed asphalt pavement materials received shall not be used as a valley fill material, to fill open pits from coal or other fills; or to level an area or bring an area to grade, except as authorized in this general permit.
4. Hazardous waste, municipal waste, special handling waste, and other residual wastes may not be mixed and/or stored or beneficially used with the reclaimed asphalt pavement materials received.
5. Transportation, transferring or conveying of the reclaimed asphalt pavement materials received to another municipality or person is prohibited.
6. Upon cessation of construction activities, the excess reclaimed asphalt pavement materials shall be removed any other materials or other residual or municipal waste which contain or have been mixed with the reclaimed asphalt pavement materials shall be provided for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.
7. The beneficial use of the reclaimed asphalt pavement materials received shall be in a manner which shall not create a nuisance or be harmful to the public health, safety or the environment.
8. Runoff from the received reclaimed asphalt pavement materials storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.